



Food Protection Program Policies, Procedures and Guidelines

No: RF-09

Issue: Licensure of Retail Food Establishment Operations that Cater or Deliver Ready-to-Eat Meals to Schools, Senior Centers and other Institutional Feeding Sites

A growing trend in the food industry is for retail food establishments,¹ licensed under 105 CMR 590.000, to provide single meals to privately and publicly sponsored programs (hereinafter “**programs**”) usually intended for children and seniors.²

Until recently, such programs prepared the food on site. An increasing number of retail food establishments are preparing the food or meals for the programs at their establishments and then delivering the food (or contracting for its delivery) to the site where it is served by program’s staff. The meals may be individually packaged for single service or provided in bulk for dispensing or re-sale on site for a specific meal.

Licensed retail food establishments providing food in this manner are classified as caterers if they serve the food. Licensed retail food establishments that only deliver the food are not considered caterers.

Exemptions

A retail food establishment that delivers meals or operates as a caterer as described above in this policy is exempt from licensure as a wholesale food processor under M.G.L. 94 § 305C, if the retail food establishment meets the following criteria:

- Food is pre-ordered for a single meal.
- Meals are prepared and delivered for a specific meal, either in individual portions or in bulk portions intended for individual service or re-sale at a specific meal.
- Meals are fully cooked or prepared by the food establishment.
- Meals are stored and delivered under required temperatures.

¹ For the purposes of this policy, retail food establishments include caterers, restaurants, and institutional kitchens (nursing homes, hospitals, and schools). They shall collectively be referred to as retail food establishments, if they meet the criteria defined herein.

² Programs include, but are not limited to, schools, day care centers, head start programs, senior centers, and elderly home delivery programs.

Retail food establishments that cater and/or deliver foods are licensed and inspected by local boards of health and are subject to the provisions of 105 CMR 590.000, Minimum Sanitation Standards for Food Establishments. Nothing in this policy is intended to restrict the definition of caterers in 105 CMR 590.000.

The Massachusetts Department of Public Health, Food Protection Program, may at any time determine other criteria that a retail food establishment must meet in order to be exempt as a wholesale food processor as the Department deems relevant to the classification.